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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,177	07/16/2003	Scott L. Rhea	14264	3529

7590

11/15/2005

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EXAMINER

ROSENBERG, LAURA B

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,177	RHEA, SCOTT L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura B. Rosenberg	3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,8-13 and 16-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,8-13,16-21 and 51 is/are allowed.
- 6) ☒ Claim(s) 22-26,28-33,35-38,40-49 and 52-54 is/are rejected.
- 7) ☒ Claim(s) 27,34,39 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the amendment filed 22 August 2005, in which claims 1, 4, 10, 22, 25, 32-34, 44, 45, 47, and 50 were amended, claims 6, 7, 14, and 15 were canceled, and claims 51-54 were added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 33, 35-38, 40-44, 48, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Ibe et al. (6,639,160). Ibe et al. disclose a steering wheel (including #10, 20) comprising:

- Center portion (including center portion of #16)
- Outer rim (including #14) encircling the center portion (best seen in figure 2)
- Airbag cover (including #40) positioned on the center portion, and comprising a “shingle” (for example, portion of #40 that extends to the left of #44 in figures 6A, 6B)
- Intermediate portion (including #82A, 82B) positioned between the center portion and the outer rim and attached to the shingle such that there is no “gap” at the interface between the cover and the intermediate portion (best seen in figure 6B)
- The intermediate portion comprises one or more functional and decorative features (including #84, 86, 88, 90; best seen in figures 1, 2)

Art Unit: 3616

- Upper housing (including #26, 46, 48A, 48B, 50; best seen in figure 3) able to be depressed from a normal position to compressed position by applying a force to the cover (column 6, lines 6-11)
  - When the upper housing is in the normal position, there is no “gap” at the interface between the cover and the intermediate portion (best seen in figure 6B)
  - Horn assembly (including #74) configured such that depressing the upper housing from the normal position to the compressed position actuates the horn assembly (column 6, lines 6-11)
  - If the force on the cover is removed, the upper housing will move from the compressed position into the normal position (via bias of springs, including #72)
  - Airbag (including #36)
  - Inflator (including #30)
  - Lower housing (including #52)
  - Intermediate portion being mounted to the lower housing (for example, at #62)
4. Claims 22, 25, 26, 28-33, 37, 38, 40-49, and 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Durrani (5,738,369). Durrani discloses a steering wheel (including #18) comprising:
- Center portion (including #21)
  - Outer rim (including #25) encircling the center portion (best seen in figure 2)
  - Airbag cover (including #19) positioned on the center portion (best seen in figure 2)

Art Unit: 3616

- Intermediate portion (including #24) positioned between the center portion and the outer rim, and comprising an overhanging portion (for example, portion including #30) constructed to overlap the airbag cover (portion of cover including #32 and overhanging portion of intermediate portion including #30 overlap each other) and limit the outward movement of the airbag cover (based on tight fit between #30, 32) such that there is no “gap” at the interface between the airbag cover and the intermediate portion when the airbag cover is in a normal position (best seen in figure 2)
- Upper housing (including #23) able to be depressed from a normal position to a compressed position by applying force (for example, #F) to the cover
- When the upper housing is in the normal position, there is no “gap” at the interface (for example, at #30, 32) between the cover and the intermediate portion (best seen in figure 2)
- Horn assembly (including #54, 56)
- Depressing the upper housing from the normal to the compressed position actuates the horn assembly (column 3, lines 30-36)
- If the force being applied to the airbag cover is removed, the upper housing will move from the compressed position into the normal position (via bias of springs, including #40)
- Airbag (including #42)
- Inflator (not shown)
- Lower housing (including #21)

Art Unit: 3616

- The intermediate portion mounted to the lower housing (best seen in figure 2)
- The cover comprises a "shingle" (extended portion of cover near #32)
- The intermediate portion attached to the "shingle" (for example, at #30, 32) such that there is no "gap" at the interface between the cover and the intermediate portion (best seen in figure 2)
- The "shingle" overlaps a portion of the intermediate portion (for example, portion #30 of intermediate portion)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23, 24, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrani (5,738,369) in view of Ibe et al. (6,639,160). Durrani does not specifically disclose the intermediate portion comprising one or more functional and decorative features.

Ibe et al. teaches a steering wheel (including #10, 20) comprising

- Center portion (including center portion of #16)
- Outer rim (including #14) encircling the center portion (best seen in figure 2)
- Airbag cover (including #40) positioned on the center portion

Art Unit: 3616

- Intermediate portion (including #82A, 82B) positioned between the center portion and the outer rim such that there is no “gap” at the interface between the cover and the intermediate portion (best seen in figure 6B)
- The intermediate portion comprises one or more functional and decorative features (including #84, 86, 88, 90; best seen in figures 1, 2)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the intermediate portion of the steering wheel of Durrani such that it comprised functional and decorative features as claimed in view of the teachings of Ibe et al. so as to make the buttons/switches for performing various vehicle functions within easy reach of the vehicle driver, thus providing additional convenience and increasing safety by keeping the driver focused on the road.

#### ***Allowable Subject Matter***

7. Claims 1-5, 8-13, 16-21, and 51 are allowed.
8. Claims 27, 34, 39, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

9. Applicant's arguments filed 22 August 2005 have been fully considered but they are not persuasive.

Art Unit: 3616

With regards to the Ibe et al. reference, the intermediate portion is attached to the shingle via its contact with the shingle. If applicant requires that this attachment be in a manner that does not allow dirt, dust, and moisture to penetrate through the attached portions, then this feature should be claimed.

With regards to the Durrani reference, contact portions #30, 32 overlap each other in a tight fitting manner, as best seen in figure 2. Further, the intermediate portion is attached to the shingle via its contact with the shingle. As mentioned above, if applicant requires that this attachment be in a manner that does not allow dirt, dust, and moisture to penetrate through the attached portions, then this feature should be claimed.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 3616

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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